

1. GENERAL

1.1 Purpose and Objectives. This document specifies the Bureau of Indian Affairs (Bureau) procedures to implement a certification system for those persons who have been appointed, and delegated authority to function as an Awarding Official for contracts, including construction contracts, awarded under the authority of Pub. Law 93-638, The Indian Self-Determination and Education Assistance Act (88 Stat. 2203; 25 U.S.C. §450f), as amended, and all grants, except for those grants awarded under the authority of the Tribally Controlled Schools Act of 1988, as amended (Pub. Law 100-297, 25 U.S.C. §§2501 - 2508 and 25 U.S.C. §2008a).

- A. This Chapter provides the policy and procedure for the development, selection, appointment, delegation, certification, and restriction, suspension or termination of the certification of a Awarding Official , as defined in 13 IAM, Chapter 2; and Section 1.4B of this Handbook.
- B. The Awarding Official Certification System (AOCS) is a formal procedure for certifying all Bureau Awarding Officials. The only exceptions provided are addressed in Section 1.3G of this document. A Bureau employee is certified as an Awarding Official through issuance and receipt of a Certificate, based on the employee meeting applicable training, experience, and work performance requirements, as well as specific organizational need. These requirements and criteria are outlined in Illustrations 1 and 2 of this Handbook.

1.2 Policy.

- A. It is the policy of the Bureau to provide the delegation of Awarding Official authority for Pub. Law 93-638 acquisition and assistance agreements to employees commensurate with assigned responsibilities and to prescribe the requirements those employees who are certified as Awarding Officials must meet.
- B. Bureau personnel considered for appointment, delegation, and certification as Awarding Officials under 13 IAM, Chapter 3 shall conform to all of the administrative and personnel requirements as stated in this Handbook.
- C. The self-determination acquisition function and activity is viewed as a professional discipline by the Bureau in its personnel management

operations. Accordingly, standards have been established to classify self-determination acquisition positions, and to recruit, select, and retain those persons who exercise their knowledge, skills and abilities appropriately as self-determination acquisition specialists. Further, the Certification System imposes additional requirements for knowledge, training, performance and experience in order to appoint, delegate, and certify personnel as Awarding Officials, who have the authority to sign and award legal instruments in the name of the Bureau.

- D. Bureau employees who serve as (Certified) Awarding Officials may receive their administrative supervision from non-self-determination officials. However, professional supervision and technical direction in self-determination acquisition-related policies and procedures must be limited, in practice, solely to those individuals who have the professional education, training, and experience associated with the specific personnel classification series in self-determination acquisition management. Thus, regardless of duty station or location, a (Certified) Awarding Official receives professional direction and assistance from the senior (Certified) Awarding Official serving the jurisdiction. It is this latter official who will exercise the major control on the self-determination acquisition authority and its employees. For Central Office activities, the Director, Office of Tribal Services will exercise this authority.

Correspondingly, the Certification System requirements and procedures reflected in this Handbook apply to all Bureau personnel certified as Awarding Officials. As such, (Certified) Awarding Officials shall receive periodic and scheduled performance counseling and monitoring of their acquisition-related skills and abilities by the applicable senior (Certified) Awarding Official in the jurisdiction.

1.3 Authority.

- A. The authority to appoint Awarding Officials rests with the Assistant Secretary - Indian Affairs. This authority has been delegated the Deputy Commissioner - Indian Affairs. Persons appointed as Awarding Officials must be certified following the procedures in this Handbook. The policies, procedures, and instructions of this Handbook are in accordance with authority delegated through the Assistant Secretary - Indian Affairs. Compliance with the provisions of this Handbook are mandatory and the requirements contained in this Handbook are to be observed by each Bureau contracting activity/location and apply to all personnel.
- B. The authority to appoint Awarding Officials may be re-delegated below the level of the Deputy Commissioner of Indian Affairs. This re-delegation

has been made to the Director, Office of Tribal Services under 13 IAM, Chapter 3.

- C. This Handbook affects employees in those positions which exercise Awarding Official authority. Delegation of Awarding Official authority below the Director, Office of Tribal Services level shall be to full-time employees who satisfy certification requirements stated herein, not to those persons who encumber less than full-time, temporary, or term positions, or who have a particular organizational rank in the Bureau.
- D. Awarding Official authority is signature authority. Any Bureau employee below the level of the Director, Office of Tribal Services to be designated as an Awarding Official shall qualify under the provisions of this Handbook.
- E. The possession of a Certificate by a Bureau employee indicates that the employee is authorized to sign and award self-determination contracts, and grants. This designation does not alter the routine supervisor - employee relationship. That is, the Certified employee continues to receive administrative supervision from his/her supervisor. All funds related approvals for training, for example, are to be cleared by the employee's immediate supervisor. However, professional supervision of self-determination acquisition duties and responsibilities rests only with peers who are duly qualified and certified in the self-determination acquisition discipline.
- F. Bureau employees who are Certified shall affix their Certification System number wherever their name/signature appears on an official Bureau legal acquisition instrument covered under this Handbook.
- G. Authority to award and administer Federal grants assistance and other agreements (cooperative, inter-agency, etc.) to organizations shall be vested in an employee who is Certified under this Certification System. The exceptions to this are Bureau commercial contracts and grants awarded by warranted Contracting Officers, and education grants awarded to organizations under the authority of Pub. Law 100-297 (Parts A and B, 25 USC §2008a and 25 USC §§2501-2508, as amended, respectively) as are local school acquisitions of no more than \$25,000 awarded under Section 5109 of Pub. Law 100-297.

- 1.4 Definitions. The terms used in this document are defined, as follows, unless the context in which they are used clearly requires a different meaning, or a different definition is prescribed:

A. Acquisition , within the context of Pub. Law 93-638, as amended, means the acquiring under the authority of Pub. Law 93-638, as amended, by contract with appropriated funds, of services (including construction) through purchase or lease, whether the services are already in existence or must be created, developed, demonstrated, and evaluated. Acquisition begins at the point when tribal needs are established and includes the description of requirements to satisfy tribal needs, award of self-determination contracts, contract financing, and management functions directly related to the process of fulfilling tribal needs by contract.

B. Awarding Official means Contracting Officer and shall be any person in the self-determination career field, who has been certified under the Awarding Official Certification System as an Awarding Official, other than an Approving Official, who has the delegated authority to award, modify, and administer all self-determination contracts as defined in the 25 U.S.C.A. Section 450b(j), including where applicable construction contracts as defined in 25 U.S.C.A. Section 450b(m), as amended, and shall make decisions and issue findings and determinations with respect thereto. The awarding official shall also have the authority to award, modify and administer all grants.

NOTE: The Awarding Official may be other than a Warranted Contracting Officer but may include persons who are or have been Warranted Contracting Officers if they meet the training and experience requirements in self-determination subject matters and if they are in a position in the self-determination career-field, GS-1101.

C. Awarding Official's Technical Representative (AOTR) refers to a Bureau employee who is formally authorized to administer self-determination contracts on behalf of the Awarding Official. Reference in this Handbook to Awarding Official's Technical Representative does not:

- (1) Require that a duty be performed at a particular office or activity; or,
- (2) Restrict in any way an Awarding Official in the performance of any duty properly assigned.

D. Certification System means the Bureau procedures established for the selection, designation, certification, development, and restriction or termination of designation of Awarding Officials by the Director, Office of Tribal Services, through authority delegated by the Assistant Secretary - Indian Affairs.

- E. **Contract** means a self-determination contract (or grant or cooperative agreement utilized under Section 9 of Pub. Law 93-638, as amended, in lieu of a contract) entered under Title I of Pub. Law 93-638, as amended, between a tribal organization and the appropriate Secretary for the planning, conduct and administration of programs or services (including construction) which are otherwise provided to Indian tribes and their members pursuant to Federal law. No contract (or grant or cooperative agreement utilized under Section 9 of Pub. Law 93-638, as amended, in lieu of a contract) entered into under Title I of Pub. Law 93-638, as amended, including construction, shall be construed to be a procurement contract. It is a mutually binding legal relationship under the authority of Pub. Law 93-638, as amended, obligating the tribal organization to furnish supplies or services (including construction) and the Secretary to pay for them. It includes all types of commitments and obligates the government to an expenditure of appropriated funds and that, except as otherwise authorized, are in writing. Contracts do not include grants assistance and cooperative agreements, except for grants assistance and cooperative agreements entered into in lieu of a contract under Sections 102 and 103 of Pub. Law 93-638, as amended, when mutually agreed to by the contractor and the Awarding Official.
- F. **Contracting** means obtaining services (including construction) under the authority of Pub. Law 93-638, as amended. Contracting includes description (but not determination) of services required, preparation and award of self-determination contracts, and all phases of contract administration. It does not include making grants or cooperative agreements, except grants or cooperative agreements entered into in lieu of a contract under Sections 102 and 103 of Pub. Law 93-638, as amended, when mutually agreed to by the contractor and the Awarding Official.
- G. **Cooperative Agreement (or Agreement)** means a legal instrument reflecting a relationship between the Federal Government and a Indian tribe or tribal organization whenever:
- (1) The primary purpose of the relationship is the transfer (rather than the acquisition by purchase, lease or barter) of money, property, services, or anything of value to accomplish a public purpose of support or stimulation authorized by Federal statute; and,
 - (2) Substantial involvement is anticipated between the Bureau (acting for the Federal Government) and the Indian tribe or tribal organization during the performance of the contemplated activity.
- H. **Grant (or Assistance)** means a legal instrument reflecting a relationship

between the Federal Government and a Indian tribe or tribal organization whenever:

- (1) The primary purpose of the relationship is the transfer (rather than the acquisition by purchase, lease or barter) of money, property, services, or anything of value to accomplish a public purpose of support or stimulation authorized by a Federal statute; and,
 - (2) No substantial involvement is anticipated between the Bureau (acting for the Federal Government) and the Indian tribe or tribal organization during performance of the contemplated activity.
- I. Grants Officer means an Awarding Official as defined in Section 1.4B authorized to enter into, administer and/or terminate assistance agreements. This term excludes specific BIA Education Program Administrators designated as Grants Management Officers who award Part A and Part B school grants under Public Law 100-297.

1.5 Signatory Authority and Special Approvals.

- A. The Awarding Official s signatory authority is unlimited authority.
- B. When regulations or Bureau directives require approval of an action above the level of the local Awarding Official, this requirement means referral to the applicable Bureau Central Office authorities. In all instances, the Awarding Official s written Findings and Determination, Justification, or request is to be transmitted to: Director, Office of Tribal Services. The following are examples of actions requiring approval above the level of the Awarding Official:
- (1) Ratification of unauthorized commitments.
 - (2) Inter-Agency Agreements.
- C. Failure to comply with the special approval/disapproval authority constitutes an unauthorized commitment.

2. PROCEDURES

2.1 Selection of Awarding Officials.

A. In addition to the requirements in 13 IAM, Chapter 2, the following standards apply in the selection of Bureau Awarding Officials:

- (1) Level I Awarding Official: Self-Determination Specialist (GS-1101-11). The Level I Awarding Official is certified. Awarding Official authority covers all self-determination non-construction contracts, and grants. The minimum requirements below apply to a Level I Awarding Official:
 - (a) Four (4) years of satisfactory performance in diverse progressively responsible, and increasingly complex self-determination contract experiences involving the knowledge, skills, and abilities set forth in Illustration 1 of this Handbook.
 - (b) Successful completion of five (5) required courses in Illustration 2 of this Handbook.
 - (c) Satisfactory annual performance appraisal rating in self-determination contract duties including ethical conduct and the exercise of appropriate professional and business judgement.
 - (d) The individual's position must be classified in the Self-Determination classification series, GS-1101, at least grade 11.
 - (e) The term of the appointment is for four (4) consecutive calendar years.
- (2) Level II Awarding Official: Self-Determination Specialist/Officer (GS-1101-12). This is the journeyman level. The Awarding Official is certified. Awarding Official authority covers all self-determination contracts, including construction contracts, and grants. The minimum requirements below apply to a Level II Awarding Official:
 - (a) Four (4) years of satisfactory performance in diverse progressively responsible, and increasingly complex self-determination contract experiences involving the knowledge, skills, and abilities set forth in Illustration 1 of this

Handbook.

- (b) In addition to completion of training requirements for Level I certification, successful completion of the two (2) required courses for Level II certification in Illustration 2 of this Handbook.
 - (c) One (1) year of concentrated experience in a self-determination contract subject area beyond the minimum four (4) year work requirement may be substituted for twenty-four (24) classroom hours of advanced training in that same subject area. The maximum credit for the total of all additional years work experience in separate concentrated self-determination contract subject areas is ninety-six (96) classroom hours.
 - (d) The individual's position must be classified in the Self-Determination classification series, GS-1101, at least grade 12.
 - (e) The term of the appointment is for four (4) consecutive calendar years.
- (3) Senior Awarding Official: Regional Self-Determination Officer/Coordinator (GS-1101-13/14). This is a Regional Office position. The Senior Awarding Official is a certified Level I Awarding Official and may be a certified Level II Awarding Official. This authority, at Level II covers all self-determination contracts, including construction contracts, and grants. The minimum requirements below apply to a Senior Awarding Official:
- (a) One (1) or more years of satisfactory performance as a Level II Awarding Official; or
 - (b) Four (4) years of satisfactory performance in diverse progressively responsible, and increasingly complex self-determination contract experiences involving the knowledge, skills, and abilities set forth in Illustration 1 of this Handbook.
 - (c) Successful completion of training requirements at section 2.1A(1)(b) and section 2.1A(2)(b), above.

- (d) One (1) year of concentrated experience in a self-determination contract subject area beyond the minimum four (4) year work requirement may be substituted for twenty-four (24) classroom hours of advanced training in that same subject area. The maximum credit for the total of all additional years work experience in separate concentrated self-determination contract subject areas is ninety-six (96) classroom hours.
 - (e) The individual's position must be classified in the Self-Determination classification series, GS-1101, at least Grade 13.
 - (f) The term of the appointment is for four (4) consecutive calendar years.
- B. Upon implementation of the Awarding Official Certification System (AOCS) Bureau employees currently serving as Awarding Officials who meet the series, grade and other requirements for certification as an Awarding Official must complete and submit the Request for Awarding Official Certification (Attachment 1).
- C. Upon implementation of the AOCS Awarding Official authority must be withdrawn from those Bureau employees currently serving as Awarding Officials who do not meet the series, grade and other requirements for certification as an Awarding Official.
- D. Position descriptions that include Awarding Official functions shall contain precise language of Awarding Official functions, duties, and responsibilities. The Request for Awarding Official Certification (see Attachment 1) is to be completed, signed and submitted by the Senior Awarding Official in the jurisdiction, the Agency Superintendent and the Regional Director to the Office of Tribal Services (Central Office) for review and evaluation before a Awarding Official is certified by the Deputy Commissioner of Indian Affairs who shall approve all certifications in writing. Where the minimum requirements have been met, a certificate (Certification) will be issued by the Deputy Commissioner of Indian Affairs, subject to all the following conditions:
 - (1) The extent to which minimum training and experience have not been met shall be determined in writing by the Director, Office of Tribal Services (Central Office) and made available to the supervisory Bureau official and the nominee Awarding Official.

- (2) An Individual Development Plan (IDP) shall be prepared by the nominee and his/her supervisor, reviewed and approved by the Senior Awarding Official in the jurisdiction and the senior line official, and forwarded to the Director, Office of Tribal Services (Central Office) for review and evaluation.

2.2 Maintenance of Certification and Continuing Development of Awarding Officials.

- A. When a certificate has been issued, the Awarding Official is expected to maintain the Certificate status by means of ongoing development in appropriate self-determination and acquisition and assistance agreement course work, as follows:
 - (1) Successful completion of a minimum total of forty (40) hours of relevant Self-Determination and acquisition maintenance training every four years, as specified below. All training is to be provided by a Bureau-approved training source; or
 - (2) The Awarding Official's duties are to be reflected in the individual's performance appraisal, particularly those elements relating to self-determination contract planning and execution, compliance with Federal laws and regulations, and with Bureau policies.
- B. The Bureau procedure to ensure that certificates are maintained in accordance with the requirements of paragraph 2.2A above is, as follows:
 - (1) Bureau employees who are nominated for Certification System designations submit an Individual Development Plan (IDP) to their immediate supervisor with their application for Certification. The IDP shall list specific information for the ensuing four (4) year training schedule, e.g., subject title/course to be pursued; number of course hours; and, appropriate dates and training provider (if known).
 - (2) The required maintenance training source(s) shall be Self-Determination and acquisition-related and scheduled by the Certification holder with the approval of the immediate supervisor and in conjunction with the senior Awarding Official in the jurisdiction. Maintenance Courses should be selected to meet the career development needs of the employee, the requirements of the Bureau work environment, and the recommendation of the supervisor. Courses should not be repeated. Rather, courses that enhance the employee's Self-Determination and acquisition and assistance agreement knowledge, skills, and abilities should be

given careful consideration, see Illustration 2.

- (3) Senior Awarding Officials shall ensure that certificates are maintained current and the Office of Tribal Services (Central Office) is to be notified for Certification renewal by submission of: Awarding Officials Certification Application Form; the copy of the training course certificate issued to the enrollee or the copy of the SF-182 that certifies training completion; and official, signed summary page of the most recent performance appraisal rating; a signed copy of the OF-333, Procurement Integrity certification; and, an approved IDP of the planned four (4) year training schedule. A new Certification will then be issued to the Bureau employee that is valid for the succeeding four (4) year period.

2.3 Restriction, Suspension or Termination of Designation of Awarding Officials.

- A. The Awarding Official's certificate may be restricted, suspended or terminated only by the Deputy Commissioner of Indian Affairs based on a written recommendation from the Regional Director, or the Director, Office of Tribal Services, and only for the following reasons:
 - (1) Unsatisfactory performance of the designated Awarding Official duties and responsibilities; or, receipt of less-than-satisfactory performance rating from the immediate supervisor.
 - (2) Failure of the incumbent to comply with the applicable Federal laws, statutes, Executive Orders, regulations, Departmental and Bureau policies or procedures, delegated professional responsibilities, or good business judgement.
 - (3) Inability or unwillingness to institute appropriate corrective management actions to reconcile negative audit findings or internal Self-Determination contract management reviews.
 - (4) Failure to properly exercise Certification authority.
 - (5) Failure to maintain Certification System standards and successfully complete minimum training requirements after appointment, subject to the provisions of paragraph 2.2.
 - (6) Violation of the Employee's Responsibility and Conduct Code (Federal Personnel Manual, Chapter 735), as well as Procurement Integrity provisions.

- (7) The Bureau's need for a Certified Awarding Official no longer exists.
 - (8) The effective period of the Certification appointment has expired.
 - (9) Reassignment of the appointee to another Bureau position where the need for the Certification does not exist.
 - (10) Transfer of the appointee to another Bureau or Office within the Department or to another Federal agency.
 - (11) Retirement, resignation, or other termination of the appointee's Federal employment.
- B. All written recommendations to the Deputy Commissioner of Indian Affairs for termination of a Certification under paragraph 2.3A(1)-(5), above, shall be reviewed by the Director, Office of Tribal Services (Central Office) to determine if termination is warranted.
 - C. Restrictions or termination of the Awarding Official Certification may warrant personnel actions which require specific procedures. The appropriate Bureau Personnel Officer should be consulted if Awarding Official Certification restriction or termination actions are being considered and before a written recommendation is submitted to the Office of Tribal Services (Central Office).
 - D. The Director, Office of Tribal Services (Central Office) has the authority to terminate Awarding Official Certification where such terminations are for strictly administrative reasons, e.g., transfer of a Certified individual to another Federal agency, or retirement or resignation of the individual. This delegation of termination authority is strictly limited to such cited instances. It is not permitted for any restriction or termination that may lead to a grievance or similar personnel action.
 - E. The Senior Awarding Official at each Regional Office is to notify the Office of Tribal Services (Central Office) in writing when a Certified employee is recommended to no longer exercise certification authority due to retirement, transfer, reassignment, etc.

2.4 Responsibilities of the Senior Awarding Official The Senior Awarding Official in the jurisdiction is responsible for the following requirements under the Certification System:

- A. Serves as the primary advisor to the Regional Director and senior staff on

all matters pertaining to Pub. Law 93-638, as amended.

- B. Provides training and technical assistance to Regional Office staff, Agency Awarding Officials and Agency staff.
- C. Function as the Regional Certification System Coordinator.
- D. Maintain a staffing pattern designed to meet current and future workload needs in an efficient and effective manner, subject to available resources.
- E. Provide training and other resource information on Certification System requirements to cognizant employees.
- F. Review Certification System training plans of nominees and certificate holders to ensure relevancy of proposed training to self-determination contract activity and employee needs.
- G. Counsel employees as to present and projected training requirements of the Certification System.

2.5 Responsibilities of the Director, Office of Tribal Services. The Director, Office of Tribal Services is responsible for the following requirements under the Certification System:

- A. Receive completed nominee applications for employee designation and certification, or for approval of certification. Package will include: training; summary page of current performance appraisal rating; IDP; signatures by Senior Awarding Official in the jurisdiction, the Agency Superintendent and Regional Director, and, signed/dated copy of OF-333 (Procurement Integrity).
- B. Develop administrative procedures for a timely and complete action on resubmission of Certification renewal requests at least 45 days prior to Certification expiration date.
- C. Review and correct the Certification System Roster.
- D. Coordinate and facilitate employee development plans by serving as liaison with the Regional Offices and training resources. This activity may include the following:
 - (1) Counsel employees and advise on their training plans, and assisting in compliance with Certification System requirements.

(2) Review employee training plans for conformity to Certification System requirements, Bureau needs, and employee development. However, it should not be the responsibility of the Director, Office of Tribal Services to coordinate or direct training for Certification holders.

(3) Review curriculum content and course hours for maintenance training to ensure that training courses are relevant and are not being repeated.

(Only the employee's immediate supervisor is empowered to approve training, obligate funds, and grant administrative leave for training to meet Certification System requirements.)

(4) Disseminate relevant information and training materials to current and prospective Certification holders. Maintain an updated system of individual employee records that accurately and completely reflects the status of the employee's training, education and experience.

E. Issue Awarding Official Certificates when employees have met the requirements and properly applied for Awarding Official Certification.

U.S. Department of the Interior
Bureau of Indian Affairs

PERTINENT KNOWLEDGE, SKILLS AND ABILITIES
OF AWARDING OFFICIALS

The Self-Determination contracting profession demands high standards of performance (knowledge and skills) and ethical behavior. One crucial characteristics of the profession is the existence of a systematic body of knowledge to guide and focus requirements for technical knowledge and competence. This body of knowledge is characteristically multi-disciplinary; it is systematically and objectively determined in its ability to give the professional greater control in the contracting environment; and, the limits of the body of knowledge are determined by the professional s intellectual ability to determine what knowledge is worthwhile.

Awarding Officials need to have a keen awareness, knowledge and the skill requirements to perform competently in this profession. Efforts are focused on education, training, certification and the development of professional standards. Basically, professional proficiency in Self-Determination contract management requires broad knowledge and a range of skills in the areas of:

- A. Pub. Law 93-638, as Amended.
- B. Self-Determination contracting policy and procedures.
- C. Legal and regulatory aspects of procurement and contracting.
- D. Managerial planning, decision making, communication, and control.

The knowledge, skills and abilities necessary for a Awarding Official designation are basically those expected of a Contracting Officer with a strong foundation in Pub. Law 93-638, The Indian Self-Determination and Education Assistance Act, as amended. The following general requirements are provided to assist the recommending officials in assessing an individual candidate s experience.

- (1) Thorough knowledge of, and demonstrated compliance with, Pub. Law 93-638, as amended; working knowledge and understanding of all Bureau programs; working knowledge of, and demonstrated compliance with, Federal acquisition/assistance agreements and related laws, policies, regulations, and socio-economic programs, methods and procedures.

- (2) Knowledge of the Federal acquisition process, market conditions; how to achieve competition, and how to determine a reasonable price from basic arithmetic calculations.
- (3) Ability to select appropriate methods or procedures for purchasing supplies or services and to consistently apply fair and sound business and professional judgement. Ability to monitor contractor/grantee performance and assess end-products.
- (4) Ability to communicate appropriately with government and non-government personnel and to exercise consistently sound and fair business and professional judgement.
- (5) Ability to exercise prudent management skills in acquisition/assistance operations consistent with fiscal, staff, and physical integrity.
- (6) Ethical conduct in business dealings, as required by Federal Personnel Manual, Chapter 735, appropriate adherence to OMB Circular A-123, and to Section 6 of Pub. Law 100-679.
- (7) Knowledge of and ability to use various negotiation techniques; cost and price analysis; and, contract administration techniques applicable to self-determination contracts.
- (8) Knowledge of a variety of basic and major systems types of contracts and the effects that the use of particular contract terms are likely to have on contract performance and cost or price. Appropriate appreciation of grants assistance and agreement policies and procedures.
- (9) Ability to perform contract/grants actions within a reasonable time with a satisfactory level of quality and performance. Ensures appropriate contract/grants administration skills and highest quality of end-product.
- (10) Ability to make determinations as to appropriate award authority, type of contract, cost disallowances, equitable adjustments, and claims.
- (11) Ability to make sophisticated determinations concerning effective buying plans, appropriate negotiation techniques, type of contract, cost disallowances, and equitable adjustments.

CRITERIA FOR EVALUATION OF TRAINING COURSES

These training-course criteria have been developed to aid the individual and the supervisor in establishing an Individual Development Plan (IDP) which will comply with the Awarding Official requirements and standards.

These criteria will be used to determine the acceptability of a training course when a recommendation for a Certification is submitted. The training hours required for certification are to be completed on the basis of actual classroom hours. For example, a five (5) day Office of Personnel Management (OPM) or General Services Administration (GSA) course is to be counted as forty (40) hours, and a three (3) hour college credit course (semester or quarter) shall be counted as forty (40) hours.

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Training must be directly related to the general body of knowledge of Pub. Law 93-638, The Indian Self-Determination and Education Assistance Act, as amended, and acquisition and grants assistance management; and, it must include most of the described topics within the Core Subject areas as listed in this document. A course in which several self-determination and acquisition subject areas are addressed is acceptable, provided the overall specific number of hours in Core Subjects are met. Equivalency tests are not considered acceptable substitutes for training unless they have prior approval from the Office of Tribal Services (Central Office). Correspondence courses, if approved by the Office of Tribal Services, are acceptable for credit under the Certification System.

Supervisors should review all Individual Development Plans (IDP s) periodically to ensure that employee and Bureau needs are being addressed adequately. Cost--benefit analysis should indicate the best type and mix of training courses (on-site v. off-site, programmed instruction, correspondence, etc.). Maintenance course requirements should be carefully reviewed so that course duplication does not occur for an employee.

BASIC COURSES

Provides an introduction to Pub. Law 93-638, as amended, and the basic acquisition process. It treats basic implementation of Pub. Law 93-638, as amended, and the fundamental principles and techniques of contracting.

A. General Subjects:

- (1) Delegation of Signature Authority
- (2) Pub. Law 93-638, as amended.
- (3) Regulations Implementing Pub. Law 93-638, as amended.
- (4) Contracting Under Pub. Law 93-638.
- (5) Principles of buying, market, conditions, and competition.
- (6) Use of business judgement, business administration/management.
- (7) Federal acquisition, responsibility, authority, and accountability.
- (8) Ethics and standards of conduct.
- (9) Socio-economic requirements, including Buy Indian Act set-aside programs.
- (10) Financial audits and internal acquisition management reviews.
- (11) OMB Circulars A-87, A-102, A-123, A-125, A-128, and A-133.

B. Core Subjects: The forty (40) hour total shall include emphasis in the following categories.

- (1) Delegation of Signature Authority
- (2) Basic Pub. Law 93-638, as amended.

- (3) Regulations Implementing Pub. Law 93-638, as amended.
- (4) Contracting Under Pub. Law 93-638, as amended.
- (5) Federal Acquisition Processes and Procedures.

C. Maintenance Training:

- (1) The forty (40) hour requirement is to be completed within the four (4) year period after receipt of the Certification.
- (2) The content of this training shall be at the discretion of the Senior Awarding Official in the jurisdiction and is to be provided by an approved training source.

GENERAL COURSES

Develop functional knowledge of Pub. Law 93-638, as amended, and the laws, policies, procedures, and methods pertaining to Federal acquisition to enable an individual to operate effectively and efficiently in managing the full range of contracts and assistance agreements.

The course content shall convey an understanding of the following General Subjects:

A. General Subjects:

- (1) Advanced Pub. Law 93-638, as amended.
- (2) Federal acquisition/grants policies.
- (3) Explanation of the acquisition cycle and acquisition planning.
- (4) Overview of budget and appropriation cycle.
- (5) Ethics and conduct standards.
- (6) Socio-economic requirements in acquisitions.

- (7) Sealed bids and competitively negotiated methods of contracting for construction.
- (8) Definition of value, cost, price and profit.
- (9) Techniques for other than full and open competition.
- (10) Protests, disputes, and appeals.
- (11) Contract/grants administration responsibilities.
- (12) Contract/grants modifications, reassumption, termination, close-out and debt collection.
- (13) Subcontracting relationships.
- (14) Business administration and management.
- (15) Operational and management audits.
- (16) OMB Circulars A-76, A-87, A-102, A-110, A-123, A-125, A-128, and A-133.
- (17) Federal assistance and agreement policies and procedures.
- (18) Internal control review systems.

B. Core Subjects: Special content emphasis on the 160-200 hours of five (5) Core Subjects of Pub. Law 93-638 Contracts, Pub. Law 93-638 Construction Contracts, cost and price analysis, contract administration, and contract law (32-40) classroom hours each) should generally include:

(1) Pub. Law 93-638 Contracts

- * Responsibilities and functions of contract administration.
- * Quality assurance, monitoring, and compliance with contract terms.
- * Labor provisions.
- * Contract payments.
- * Disputes, retrocession, reassumption and remedies.

- * Contract close-out and debt collection.
- * Audit resolution.

(2) Pub. Law 93-638 Construction Contracts

- * Procedures.
- * Responsibility (Contractor and Bureau).
- * Determination of Fair and Reasonable Price.
- * Negotiation objectives and sessions.
- * Negotiation procedures (competitive, and other than full and open competition).

(3) Cost and Price Analysis

- * Fair and reasonable price determination.
- * Economic concept of value, cost, and profit.
- * Cost and price analysis.
- * Profit factors.
- * Awareness of cost principles: reasonable, allowable and allocable.
- * Identification of elements of financial statements.
- * Simple cost control techniques.
- * Truth in Negotiation Act.
- * Contract audits and resolution process.

(4) Contract Administration

- * Responsibilities and functions of a contract administrator.
- * Proper authority for modifications, change orders/supplemental agreements.
- * Identification of equitable adjustment factors.
- * Quality assurance, monitoring, inspection, and compliance with contract terms.
- * Management system and program monitoring.
- * Stop or withhold payment.
- * Delays/suspension of work.
- * Labor provisions.
- * Contract payments.
- * Retrocession or reassumption.
- * Appeals, Disputes and remedies.

Illustration 2
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- * Alternative Disputes Resolution.

- * Liquidated damages.
- * Terminations for Convenience of Government and for Default.
- * Contract close-out and debt collection.
- * Audit resolution.

(5) Contract Law

- * Basic contract law principles.
- * Federal contractual authority.
- * Federal acquisition regulations.

For a course to qualify as credit toward a Core Subject area, it should contain most of the topics listed under the specific subject area. A course which specializes in only one or two topics does not satisfy the entire subject area requirements for the Certified Awarding Official (Level II). For example, a Contract Claims course does not fulfill all the requirements for a basic course in Contract Administration. Course work is to be provided by a training source approved in advance by the Bureau.

C. Maintenance Training

- (1) The eighty (80) hour requirement shall be completed within the four (4) year period after receipt of the Certification.
- (2) The content of this training shall be from a training source approved in advance by the Bureau, and shall be related to the Self-Determination acquisition/grants assistance discipline.

ADVANCED COURSES

Advanced courses concentrate on the analysis of advanced Pub. Law 93-638, as amended, contract methods and techniques to enable an individual to effectively manage more complex contractual/grants assistant relationships. The Basic and General Certification System training requirements are prerequisites for the advanced courses. The essential difference between General and Advanced courses is that General courses convey general acquisition/grants knowledge while Advanced courses concentrate on the in-depth analysis of more complex and specialized acquisition areas and represent a strategic overview of acquisition and assistance agreement management.

Advanced course content must include a coverage of the following General Subjects; 40 classroom hours each in courses from the Core Subjects listed in Part B, below, (200 hours); and, the General courses, above (160-200 hours).

A. General Subjects:

- (1) Advanced Pub. Law 93-638, as amended, and acquisition of major systems.
- (2) Retrocession and Reassumption.
- (3) Acquisition planning, development, and assessment.
- (4) Trust resource issues and concerns.
- (5) Consolidated contracts.
- (6) Analysis and interpretation of private sector market conditions.
- (7) Data Management and processing.
- (8) Property donation and property management issues.
- (9) Current policy issues.
- (10) Business administration and development.
- (11) Executive management and development.
- (12) Management and performance audits.
- (13) OMB Circulars A-76, A-87, A-102, A-123, A-125, A-128, and A-133.
- (14) Internal control review systems.
- (15) Federal assistance and agreement policies and procedures.

B. Core Subjects.

(1) Pub. Law 93-638, as amended

- * Analysis of the law.
- * Analysis of regulations and policy decisions.

(2) Advanced Contract Administration

- * Construction Contract risk allocation.
- * Financial management and interpretation of financial statements and determination of viability of business concern.
- * Quantitative techniques for evaluation.
- * Cost accounting standards.
- * Cost control techniques.
- * Settlement of contract claims and equitable adjustments.
- * Terminations for Convenience or Default.
- * Interpretation of specifications.
- * Contractor/grantee performance measurement.
- * Contract close-out and debt collection.
- * Audit resolution.

(3) Advanced Contract Law

- * Evaluation of acquisition statutes.
- * Case studies and analysis of Comptroller General, GAO, and GSA, Appeals Board, and court decisions in Pub. Law 93-638 contract issues.
- * Understanding legal procedures and interpreting legal concepts.
- * Contemporary legal acquisition and related issues.

C. Maintenance Training.

- (1) The eighty (80) hour requirement shall be completed within the four (4) year period after receipt of the Certification.

- (2) The content of this training shall be from a training source approved in advance by the Department and the Bureau, and shall be related to the acquisition discipline, as examples:
- * Budgeting for Procurement.
 - * Systems Acquisitions.
 - * Program/Project management.
 - * Productivity.
 - * Automated Procurement (including use of hardware and software.
 - * Ethics, Conflict of Interest, and Standards of Conduct.
 - * Safety, Reliability and Maintainability.
 - * Socio-Economic Objectives.
 - * Small and Minority Business Development.
 - * Subcontracting and Subcontract Management.
 - * Government Property.

REQUIRED COURSES

The following list of courses are required for certification as a Level I or Level II Awarding Official.

Level I Awarding Official:

- " Delegation of Signature Authority
- " Introduction to the Federal Acquisition Process
 - Basic Contracting
 - Introduction to Contracting
- " Basic or Introduction to Pub. Law 93-638, as Amended
- " Law and Regulations (Pub. Law 93-638, as Amended and 25 CFR, Chapter V, Part 900, Subparts A - P)
- " Awarding Official s Technical Representative (AOTR)/Subordinate Awarding Official s Technical Representative (SAOTR)

pages

Level II Awarding Official: In addition to training required for Level I certification, the following are required:

- " Contracting Under Subpart J (Self-Determination Construction Contracting)
- " Contract Disputes Act (CDA), Alternative Dispute Resolution (ADR), and Appeals

U.S. Department of the Interior
Bureau of Indian Affairs

FORMAT FOR REQUEST FOR AWARDING OFFICIAL CERTIFICATION

Instructions. Nominees for Certification as an Awarding Official are to use the following format to prepare their request. The request shall be submitted for review and processing by the Office of Tribal Services (Central Office) for referral to the Deputy Commissioner of Indian Affairs. All requests for Certification are to be submitted with the memorandum in Illustration 3 and should be enumerated and attached, as indicated. Provide any necessary attachments to document qualifications.

The following notice to Employees applies regarding information furnished by employees as part of the application for Awarding Official Certification.

The Privacy Act of 1974 requires that any Agency maintaining a system of records inform the persons from whom information is requested in writing of the authority for the inquiry; whether the disclosure is considered mandatory or voluntary; the principle purpose for which the information will be used; routine uses which may be made of the information, and consequences (if any) to the individual for not providing all or part of the information requested.

- A. Authority: The Indian Self-Determination and Education Assistance Act, as amended (Pub. Law 93-638, 25 U.S.C. §450 et seq, 88 Stat. 2203).
- B. Disclosure mandatory or voluntary: The employee s response to questions is considered to be voluntary.
- C. Principle purpose for which the information will be used: The purpose of the Request for Awarding Official Certification is to evaluate the experience, education, and training of nominee Awarding Officials. Recommending and designating officials will use the information collected to determine whether nominees meet the specific and general qualifications for appointment as Awarding Officials.

- D. Routine uses: This information may be used within the Department of the Interior for official purposes and may be forwarded to appropriate Federal, State, or local agencies if the information contains evidence of possible criminality. Information may be: used as a basis for summaries or briefings presented to Members of Congress; used as a basis for response to agencies in the Executive Branch of the Federal Government; used as evidence in court proceedings; provided to appropriate individuals/organizations under the provisions of the Freedom of Information Act, as amended; and, used as a basis for responding to press queries.
- E. Effects of not providing all or part of the information requested: The employee may not be considered for appointment as a Awarding Official.

Memorandum

To: Deputy Commissioner of Indian Affairs
Attn: Office of Tribal Services

From: Regional Director/Education Line Official

Subject: Request for Awarding Official Certification

REQUEST FOR AWARDING OFFICIAL CERTIFICATION

[Instructions. This format is to be used in preparing a transmittal to the Office of Tribal Services (Central Office) for each nominee Awarding Official for an appointment and is to include all information requested.]

The following findings and determinations are made pursuant to applicable laws and regulations:

1. There is a clear and convincing need to appoint an Awarding Official.
2. (Name, Classification Series, Grade) is recommended as the nominee Awarding Official, and (will occupy) (occupies) the following full-time organization position (position title), at the following Bureau location (provide full mailing address).
3. The nominee s Request for appointment is attached which identifies pertinent knowledge, skills, and abilities plus training and education qualifications.
4. The nominee s Conflict-of-Interest Disclosure Statement is on file in the appropriate Personnel Office.
5. The nominee s satisfactory performance appraisal statement (summary page only) for Pub. Law 93-638, as amended, contracting duties and responsibilities is attached. In addition, a current IDP is provided, as well as a signed/dated OF-333 form.
6. The nominee will function full-time as an Awarding Official.

7. This application is for () new Certification () renewal of expired Bureau Certification previously issued. (Check one.)

Attachments:

- (1) Awarding Official s Application Form.
- (2) Performance Appraisal Statement (Summary Page).
- (3) Individual Development Plan (IDP).
- (4) Certificate of Procurement Integrity (OF-333).
- (5) Evidence of completed training (SF-182 or Training Certificate).

**DEPARTMENT OF THE INTERIOR
BUREAU OF INDIAN AFFAIRS
AWARDING OFFICIAL CERTIFICATION
APPLICATION FORM**

I. APPLICATION INFORMATION.

1. Name (Last, First): _____
2. Current Certification Number (if applicable): _____
3. Regional/Agency/Office: _____
4. Position/Title: _____
5. Job Series & Grade: _____
6. Duty/Station: _____
7. Mailing Address: _____

II. TYPE OF TRANSACTION.

- 1. Initial Certification Application Within Bureau/Office.
- 2. Renewal of current Certification.
- 3. Correction/Edit. Indicate application action(s) to be changed (i.e., name change or location change): _____
- 4. Deletion. Reason: (e.g., retirement, reassignment or organizational change, supv. recommendation, job function displaced by Pub. Law 93-638 contract) _____

III. Pub. Law 93-638 and PROCUREMENT EXPERIENCE. List most recent position first. Use additional paper as necessary.

<u>Location</u>	<u>Certification/ Warrant Level</u>	<u>Position/Title</u>	<u>From/To</u>

IV. Pub. Law 93-638 and PROCUREMENT TRAINING. (Attach copies of training certificates or signed SF.182 for each core and elective course. Use additional paper, as necessary.)

A. Core Training - Summary

Indicate total number of hours completed in each core subject area. Itemize course titles. Identify individual training sources, hours credited per course, and the dates of training for each course on a separate page.

CORE SUBJECT	HOURS BASIC	HOURS ADVANCED
Basic Pub. Law 93-638		
Pub. Law 93-638 Contracting		
Contract Negotiation		
Contract Administration		
Contract Law		

B. Elective Training

elective taken:

Indicate course title, source, number of hours completed and dates of training for each

Course Title	Source	Hours Credited	Training Dates

V. EQUIVALENCIES.

List any equivalencies, e.g., work experience, national organization license/certification, and/or graduate/professional school training. Describe the equivalent experience or qualification for which credit is being sought, the period of performance, attendance, and/or award, identify the standard against which equivalence credit is being measured, and detail the extent to which the equivalency meets the standard. Use additional paper as necessary.

VI. OTHER CHANGES. (List any corrections/edits, e.g., change of name, grade, etc.)

VII. CONFLICT OF INTEREST.

- A. A Conflict of Interest certificate is __, is not __ on file in the applicant's official personnel file.
- B. Not applicable to this Certification transaction.

VIII. PROCUREMENT INTEGRITY CERTIFICATION (OF-333).

Procurement Integrity certificate is attached, and is __, is not __ on file in the applicant's official personnel file.

IX. CERTIFICATIONS.

- A. Applicant:

I certify that all of the statements made by me are true, complete, and correct to the best of my knowledge and belief and are made in good faith.

(Name of Applicant)

(Signature)

(Date)

B. Supervisory Recommendation (Check applicable certification statement and complete certification.)

- The applicant's performance of Pub. Law 93-638, as amended, contracting duties has been satisfactory. This application, with any additional attachments, fully documents that all Certification System appointment criteria have been met, and that the applicant is fully qualified. The basis for acceptance of any equivalencies, e.g., experience, professional organization tests or graduate training, etc., have been evaluated against the knowledge, skills, and abilities criteria and documented in the appointment file. Therefore, appointment is recommended.
- The applicant's request for Certification record correction or deletion has been reviewed and the requested changes are hereby authorized.
- The applicant does not meet the established minimum qualifications. Therefore, award of a Certification is not recommended.

(Supervisor's Name)

(Supervisor's Signature)

(Date)

C. Recommend Approval.

(Senior Awarding Official Name)

(Senior Awarding Official Signature)

(Date)

D. Concur:

(Regional Director's Signature)

(Date)